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MANUEL MALDONADO, RASHAAD COLEMAN,
NEIL GUNN, DAVID MEJIA,
and SAM ANDERSON

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LURING PAIALII,
Plaintiff,

V.

CITY OF BURBANK; MANUEL MALDONADO; RASHAAD COLEMAN; N. GUNN; D. MEJIA; S. ANDERSON; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 2:24-cv-08890-CAS-PVC

Assigned to the Hon. Christina A.
Snyder
Courtroom 8D, 8th Floor

**DEFENDANTS' REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' AMENDED
MOTION FOR JUDGMENT ON
THE PLEADINGS [FRCP 12(c)]**

Date: May 12, 2025
Time: 10:00 a.m.
Ctrm: 8D

Complaint Filed: November 5, 2024
Trial Date: TBD

I. INTRODUCTION

The FAC clearly and repeatedly alleges that prior to and even during Plaintiff's altercation with Maldonado, Gunn, and Coleman, Plaintiff never made any physical threats, did not attempt to make any physical threats, and did not pose a threat to anyone at all. FAC at ¶¶ 31 ("At all relevant times, Mr. Paialii's hands were visibly empty, and he made no physical threats, nor did he attempt to make physical threats[...]"). 35 ("...Mr. Paialii was not moving in any threatening manner and was complying with the officers' commands [] as much as humanly possible..."), 44 ("...DEFENDANT OFFICERS had no information that Mr. Paialii posed any threat of injury to anyone..."), 45 ("...Mr. Paialii posed no imminent threat of bodily harm to Defendant officers or anyone else[...]"). 46 ("[...Mr. Paialii made no physical threats to any officer or anyone else [...]"). 91 ("...Mr. Paialii was not an immediate threat of bodily injury to anyone, including DEFENDANTS..."), 101, 108. Plaintiff's counsel's signature on the FAC indicates that Plaintiff's allegations contained therein have evidentiary support and are not being presented for an improper purpose. Fed. R. Civ. P. 11(b)(1) and (3). Yet, Plaintiff now argues that he was "verbally threatening the involved deputies while they [were] trying to detain him," and that the officers were threatened when Plaintiff advanced upon an officer, got in his face, and was "physically resisting and struggling with the deputies while they were attempting to detain [him.]" Dkt. 41 (Plaintiff's Opposition to Motion for Judgment on the Pleadings) at 1:22-24 and 2:3-6. Plaintiff argues that this conduct was captured by bodycams and surveillance cameras and is set forth in written reports that Plaintiff describes in detail. Dkt. 41 at 1:21-2:6.

These new allegations are not contained in the FAC or any judicially noticeable materials, so they cannot be considered in relation to Defendant's Motion for Judgment on the Pleading. *See Lee v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001) (holding that documents not physically attached to a complaint may only be considered if their authenticity is not contested and the

1 complaint relies on them); *Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896
2 F.2d 1542, 1550 (9th Cir. 1989) (holding that judgment on the pleadings is
3 improper when a district court goes beyond the pleadings to resolve an issue). If
4 Plaintiff contends that these new allegations overcome the bar created by the *Heck*
5 doctrine, Plaintiff must first amend the FAC to include the newly alleged conduct.
6 However, doing so would completely contradict Plaintiff's existing allegations,
7 including the aforementioned allegations that at all times he did not make physical
8 threats or pose a threat to anyone, that he complied with the officers' commands,
9 that he had not committed any serious crime, and that the officers did not have
10 reasonable suspicion or probable cause to detain and arrest Plaintiff¹.

11 Defendants maintain that Plaintiff's claims in the Second, Fifth, Sixth, and
12 Seventh causes of action, as currently pled, are barred by the *Heck* doctrine, but to
13 the extent that Plaintiff's new allegations can overcome Defendants' Motion for
14 Judgment on the Pleadings, Defendants request that the Court order Plaintiff to
15 amend the FAC so that Defendants may address those new allegations
16 appropriately.

17 II. ARGUMENT

18 A. Plaintiff's Claims, As Alleged In The FAC, Are Barred By The *Heck* 19 Doctrine.

20 Defendants assert that Plaintiff's causes of action for Excessive Force,
21 Battery, Negligence, and Violation of the Bane Act are barred by the *Heck* doctrine
22 because Plaintiff's success on those causes of action would necessarily call into
23 question his conviction for violation of Penal Code section 69. Plaintiff's causes of
24 action are all based on an altercation between Plaintiff, Maldonado, Gunn, and
25 Coleman. The altercation began when Maldonado grabbed Plaintiff's arm,
26 continued with Plaintiff struggling against the three officers on the ground, and

27 ¹ Moreover, to the extent that Plaintiff's existing allegations are contradicted by
28 evidence that Plaintiff already had access to, they may be in violation of Rule 11.

1 concluded when the officers handcuffed Plaintiff and stood him up. FAC at ¶¶ 30-
2 39. Plaintiff alleges, in eight separate paragraphs, that prior to the altercation he did
3 not threaten anyone or pose a threat to anyone. FAC at ¶¶ 31, 35, 44, 45, 46, 91,
4 101, 108. The only alleged conduct that can sustain Plaintiff's conviction was
5 Plaintiff struggling against the officers as they attempted to handcuff and arrest
6 him. FAC at ¶ 32 ("While the three DEFENDANT OFFICERS were on top of Mr.
7 Paialii... [t]here was a struggle to complete the arrest of Mr. Paialii.") In his
8 Opposition, Plaintiff acknowledges that a § 1983 action following a resisting arrest
9 conviction is barred if the conviction was based on resistance to force that the
10 plaintiff now alleges was excessive. Dtk. 41 at 4:25-27. This is consistent with the
11 opinion in *Martell v. Cole*, 115 F.4th 1233, 1238 (9th Cir. 2024), where the court
12 held that "the question is whether the specific act for which the plaintiff was
13 convicted was resistance to the particular use of force the plaintiff alleges was
14 unlawful." It is hard to imagine conduct that is any more directly resistant to
15 Defendants' alleged excessive force than Plaintiff physically struggling against the
16 officers as they attempted to subdue and arrest him.

17 By virtue of Plaintiff's conviction, Maldonado's conduct while he attempted
18 to subdue and arrest Plaintiff was lawful, so Plaintiff cannot successfully challenge
19 Maldonado's conduct without invalidating the criminal conviction. Though
20 Plaintiff was not convicted for his conduct towards Gunn and Coleman, Plaintiff's
21 own allegations make clear that Gunn, Coleman, and Mejia worked simultaneously
22 to complete Plaintiff's arrest, so permitting Plaintiff to pursue his claims against
23 those officers would create an unjust result. Plaintiff argues that the *Heck* doctrine
24 should not be applied here because, as in *Hooper v. Cnty. of San Diego*, 629 F.3d
25 1127 (9th Cir. 2011), the conduct that constituted excessive force occurred after
26 the conduct that substantiated the criminal conviction. However, there are no
27 allegations in the FAC that support Plaintiff's argument. Plaintiff's allegations are
28 that the only time he resisted the officers is when they attempted to arrest him, and
after the officers handcuffed Plaintiff, they stood him up and walked him to a

1 patrol unit. FAC at ¶¶ 32, 38 and 39. Accordingly, Plaintiff's claims in the Second,
2 Fifth, Sixth, and Seventh causes of action, as currently pled, are barred by the *Heck*
3 doctrine and must be dismissed as to all defendants.

4 **B. Plaintiff's New Allegations Cannot Be Considered Until They Are**
5 **Included In The Pleadings.**

6 As mentioned above, Plaintiff's new allegations that he threatened the
7 officers verbally and physically when they were trying to detain him are not set
8 forth in the FAC and are not contained in any judicially noticeable court records.
9 As such, the new allegations cannot be considered in relation to Defendants'
10 Motion for Judgment on the Pleadings. *See Lee*, 250 F.3d at 688; *Hal Roach*
11 *Studios, Inc.*, 896 F.2d at 1550. To the extent the Court is inclined to consider
12 Plaintiff's new allegations, Defendants request that the Court order Plaintiff to
13 amend the FAC so that Defendants may address the new allegations appropriately.

14 **III. CONCLUSION**

15 Based on the foregoing, Defendants City of Burbank, Manuel Maldonado,
16 Rashaad Coleman, Neil Gunn, David Mejia, and Sam Anderson respectfully
17 request that the Court dismiss Plaintiff's Second, Fifth, Sixth, and Seventh Causes
18 of Action as to Defendants, or in the alternative, order Plaintiff to amend the FAC
19 to include Plaintiff's new allegations.

20 DATED: April 25, 2025

Respectfully submitted,

21 City Attorney's Office of the City of
22 Burbank

23 By:



24 Rodolfo Aguado III
25 Senior Assistant City Attorney
26 Attorney for Defendants
27 CITY OF BURBANK, MANUEL
28 MALDONADO, RASHAAD
COLEMAN, NEIL GUNN, DAVID
MEJIA, and SAM ANDERSON

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 2025, my office electronically transmitted the foregoing document to the Clerk's office using the Court's CM/ECF System and thereby served all counsel of record in this matter.

By: /s/ Rodolfo Aguado III
Rodolfo Aguado III